

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff,

v.

ERIC BOSSI, SARAH DAMAS, et al.

Defendants.

Case No. 2:21-cv-01600-GMN-EJY

ORDER

On August 30, 2021, Plaintiff, an inmate in the custody of the Stein Forensic Unit, filed what appears to be a proposed complaint thereby initiating a civil action in this Court. ECF No. 1-1. Plaintiff has neither paid the \$402 filing fee nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (including pages 1 through 3 with the inmate's two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (page 4 of this Court's approved form); and,

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Plaintiff is provided a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **November 2, 2021**. Absent unusual circumstances, the Court will **not** grant any further extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or before **November 2, 2021**, the Court will recommend dismissal of this case **without prejudice**

1 allowing Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the
2 documents needed to file a fully complete application to proceed *in forma pauperis* or pay the full
3 \$402 filing fee.

4 A dismissal **without prejudice** means Plaintiff does not give up the right to refile the case
5 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
6 with an application to proceed *in forma pauperis*.

7 The Court will retain Plaintiff's compliant (ECF No. 1-1), but the Court will not file the
8 complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma*
9 *pauperis* with all three documents or pays the full \$402 filing fee.

10 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall send Plaintiff the
11 approved form application to proceed *in forma pauperis* by an inmate, as well as the document
12 entitled information and instructions for filing an *in forma pauperis* application.

13 IT IS FURTHER ORDERED that on or before **November 2, 2021**, Plaintiff shall either pay
14 the full \$402 filing fee for a civil action or file the following with the Court:

15 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
16 approved form (including pages 1 through 3 of the form with the inmate's two signatures on
17 page 3);

18 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
19 (page 4 of this Court's approved form); and,

20 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
21 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
22 must still submit an inmate account statement for the dates he has been present at the facility.

23 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
24 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
25 on or before **November 2, 2021**, the Court will recommend dismissal of this action **without**
26 **prejudice** for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is
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1 able to file a complaint and has all three documents needed to file a complete application to proceed
2 *in forma pauperis* or pays the full \$402 filing fee.

3 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's proposed
4 complaint (ECF No. 1-1) but will not file it at this time.

5 Dated this 3rd day of September, 2021.

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8 ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE